



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

JOHN SCHEMITSCH
Senior Counsel
Phone: (212) 356-2375
Fax: (212) 356-3509
jschemit@law.nyc.gov

August 15, 2022

VIA ECF

Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Patricia Rodney v. City of New York, et al., 22-cv-1445 (LAK)

Your Honor:

I am a Senior Counsel in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Sgt. Henriquez, and Officer Clement. I write respectfully to request a three week extension of time for the defendants to respond to the First Amended Complaint from August 17, 2022 to September 7, 2022. This is the second such request, to which plaintiff consents.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. § 1983, alleging false arrest, excessive force, and denial of the right to a fair trial, *inter alia*, against the City of New York, Officer Clemente, Officer Hernandez, and various John Doe officers.

Defendants initially moved to dismiss plaintiff's Complaint on June 27, 2022. (See ECF No. 21-23). Plaintiff, in response, filed a First Amended Complaint on July 20, 2022. (See ECF No. 29). Following that, the parties have been discussing the possibility of plaintiff withdrawing some of her claims, limiting any motion practice. The parties, unfortunately, have not been able to come to an agreement, and intend to proceed to motion practice. Furthermore, the undersigned is scheduled to begin trial in the matter of Kleinfeldt v. City of New York, et al., 17-cv-4323, in the Eastern District of New York before Judge Kovner beginning on August 17, 2022. In light of the delay caused by the attempt to avoid unnecessary motion practice and the upcoming trial, defendants are asking for a three week extension to respond to the First Amended Complaint.

Thank you for your consideration herein.

Respectfully submitted,

/s/
John Schemitsch
Senior Counsel

cc: **VIA ECF**
Gideon Oliver, Esq.
Remy Green, Esq.
Attorneys for Plaintiff